



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
SAM NUNN ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

DATE

ELECTRONIC MAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

The Honorable Errick D. Simmons
Mayor of Greenville
340 Main Street
Greenville, Mississippi 38701
Email: EDSimmons@greenvillems.org

Re: Response to comments on Legal Support Program and Private Lateral Program
Partial Consent Decree, Civil Action 4:16-cv-00018

Dear Mayor Simmons:

Pursuant to Paragraph 13 of the above listed Partial Consent Decree and email communication dated March 18, 2021 to Andy Alexander, the City's counsel, the EPA has agreed to a third and final extension of time to respond to our comments on the City's Legal Support Program and the Private Lateral Program. The City should respond to the comments by April 19, 2021.

As a reminder, below are the comments submitted to the City via email.

Grease Control Legal Support Program

- Grease Disposal Mitigation Fee: provide a copy of the City resolution establishing the fee. If the fee has yet to be established, provide a timeframe for the establishment of the fee. In determining, under the City's ordinance, the "other costs that the City considers appropriate" in establishing the fee, the City should consider the size of the Food Service Establishments ("FSE") and typical disposal fees and system O&M costs. The fee should be at least as costly as it would be to own and operate grease control equipment for the applicable FSE class.
- FOG Permits: correct the paragraph that begins "Food Service Establishments" to be consistent with the ordinance; should read that FSEs which do not discharge FOG "and do not" use a garbage disposal do not require a permit.
- The phrase "the City is somewhat confused by the term 'standard operating procedures' as opposed to statutes" does not need to be addressed to EPA and should be removed.

Private Lateral Legal Support Program

- The guide and/or ordinances do not, as required by the CD, identify the plan and/or process that the City will follow to notify and require customers to repair or replace the damaged private laterals found in the Group 1 and Group 2 Mini Systems Sewer Evaluation Reports and Rehabilitation Plans. Include a discussion of the City's plans and processes for notifying customers of the damaged laterals and requiring the necessary repairs to be made over time. In conjunction with these plans and processes, the City may (as it did with the grease control ordinance) submit a proposed guide or ordinance that contains a process a customer must follow to request a waiver of the obligations to properly operate and maintain private laterals imposed by the City's ordinance and the process the City will use to consider granting and revoking such waivers.
- Remove the reference to the CD mandating "special tests" on private laterals; the CD does not mandate "special tests" on private laterals.

"Sole Discretion" Paragraphs

- Pages 5 and 6 discuss a requested "sole discretion" provision which is not found anywhere in the program or attachments. This discussion and requested provision is unnecessary and should be removed because the City, as the entity with authority to enforce its ordinances related to FOG and private laterals, can exercise enforcement discretion as with any City ordinance. The City should discuss what factors and processes the City will use to exercise such discretion and delaying work required by the ordinances related to grease control and private laterals (including waivers, where appropriate).

Please have your attorney contact Mr. Tyler Sniff, EPA Associate Regional Counsel, at (404) 562-9499 or sniff.tyler@epa.gov if you have questions regarding the above deadline.

Sincerely,

Jairo Castillo, Chief
Wastewater Enforcement Section
Water Enforcement Branch
Enforcement and Compliance Assurance Division

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